IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION No. 45 (M/S) of 2006

Hari Kishan Rastogi S/o Late Radehy Shyam Rastogi
R/o 33, Luniya Mohalla, Dehradun. …..Petitioner

Versus

1. Labour Court, Dehradun.
2. Collector, Dehradun.
3. Tehsildar, Dehradun.
4. Manish Kumar S/o Sri Om Prakash
   R/o Bhandari Bag, Dehradun. ……Respondents.

12.04.2006

Sri Arvind Vashisth, Learned Counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Arvind Vashisth, Counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the orders dated 26.09.1996 & 30.8.2005 and the order dated 19.12.2005 by which the recovery proceedings were initiated.

Briefly stated according the petitioner the respondent no.4 has filed an application before the Labour Court. The award was made on 26.09.1996.

The submission of the petitioner is that the notices were not served upon the petitioner but the Labour Court has preceded exparte without determining the existence of relationship of master and servant. When the petitioner came to know about the award, the petitioner filed an application for recalling the order.

However, on 30.08.2005, petitioner could not appear hence the application was dismissed in default.

In view of the above, the matter is sent back to the Court and liberty is given to the petitioner to file the application afresh

which shall be decided within a period of two months from the filing of the certified copy of the order.

Subject to the aforesaid observations, writ petition is disposed of.

(Rajesh Tandon, J.)

12.04.2006
Jain